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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:

Ranalli et al.

Application No.: 10/662,858

Confirmation No.: 2140

Filed: September 15, 2003

Art Unit: 2625

For: DELIVERY EXPERT SYSTEM AND
METHOD

Examiner: J. Grant

APPELLANT'S BRIEF

MS Appeal Brief - Patents
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

This brief is in furtherance of the Notice of Appeal, filed in this case on July 31, 2006.

The fees required under 37 C.F.R. § 1.17(f) and 1.17(p) and any required petition for extension of time for filing this brief and fees therefore are dealt with in the accompanying FEE TRANSMITTAL.

This brief contains items under the following headings as required by 37 C.F.R. § 41.37 and MPEP § 1206:

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I. REAL PARTY IN INTEREST

The real party in interest for this appeal is Captaris, Inc. of Kirkland, Washington.

II. RELATED APPEALS AND INTERFERENCES

The applicant, the applicant's legal representative, and the real party in interest are unaware of any appeals or interferences that will directly affect, or be directly affected by, or have a bearing on the Board's decision in this appeal.

III. STATUS OF CLAIMS

A. Total Number of Claims in Application

There are 58 claims pending in the application.

B. Current Status of Claims

1. Claims canceled: 1-12, 62-68, and 78.
2. Claims withdrawn from consideration but not canceled: None.
3. Claims pending: 13-61 and 69-77.
4. Claims allowed: None.
5. Claims rejected: 13-61 and 69-77.
6. Claims objected to: 16-18 and 23

C. Claims On Appeal

The claims on appeal are claims 13-61 and 69-77.

IV. STATUS OF AMENDMENTS

The applicant has not filed any amendments after the last Office Action of March 31, 2006.

V. SUMMARY OF CLAIMED SUBJECT MATTER

The following chart indicates at least one instance where support for each of the independent claims may be found in the specification:

<i>Claim</i>	<i>Specific Section(s) of the Specification</i>
Claim 13	Page 4, last paragraph to page 5, 2nd paragraph
Claim 44	Pages 4 - 5, and page 25, 2nd paragraph
Claim 47	Pages 4 – 5 and page 6, 1st two paragraphs
Claim 48	Pages 4 – 5 and page 6, 1st two paragraphs
Claim 49	Pages 4 – 5 and page 6, 1st two paragraphs
Claim 50	Pages 4 – 5 and pages 12 - 13
Claim 69	Pages 4 – 5 and pages 12 - 13
Claim 76	Pages 4 – 5 and pages 12 - 13
Claim 77	Pages 4 – 5 and page 6, 1st two paragraphs

Embodiments of the claimed technology are directed to a method of facilitating the delivery of a document from a source to a destination over a network. Upon an unsuccessful attempt at a delivery of the document, a system employing the method retrieves alternative destination numbers different from an initially attempted number. After retrieving the destination numbers, the system obtains delivery information related to delivering the document to the destination. Delivery information, in some examples, may

be status information with respect to the destination, historical information related to past attempts to the destination, and so on. For example, the system selects one of the alternative numbers, investigates the number to see if the number is open, researches the number to make an intelligent decision regarding the number, and (1) retries the delivery with the alternative destination number based on favorable research results (e.g. the number is deemed operating and active) or (2) looks to another alternative destination number and follows the same method. Specification at pages 16-20 and Figures 3-7.

VI. GROUNDS OF REJECTION TO BE REVIEWED UPON APPEAL

There are four grounds of rejection to be reviewed on appeal.

The first ground of rejection to be reviewed on appeal is whether claims 13-43 comply with the written description requirement of 35 U.S.C. 112, first paragraph.

The second ground of rejection to be reviewed on appeal is whether claims 13-15, 19-22, 24-54, 56-61 and 77 are anticipated under 35 U.S.C. 102(b) by U.S. Patent No. 5,291,302 to Gordon.

The third ground of rejection to be reviewed on appeal is whether claims 69-76 are anticipated under 35 U.S.C. 102(e) by U.S. Published Patent Application No. 2002/0176117 to Randalli¹ et al.

The fourth ground of rejection to be reviewed on appeal is whether claim 55 is unpatentable under 35 U.S.C. 103(a) over U.S. Patent No. 5,291,302 to Gordon and U.S. Patent No. 5,065,426 to Greenstein et al.

¹ Please note that the published application should be spelled "Ranalli" et al. In publishing the application, the patent office incorrectly spelled the first named inventor as "Randalli." As such, for purposes of this appeal, the reference will be discussed herein as "Randalli."

VII. ARGUMENTS

A. Rejections under 35 U.S.C. 112, first paragraph

1. Legal requirements for written description

35 U.S.C. § 112, first paragraph provides:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same, and shall set forth the best mode contemplated by the inventor of carrying out his invention.

The M.P.E.P. at section 2163 states that "To satisfy the written description requirement, a patent specification must describe the claimed invention in sufficient detail that one skilled in the art can reasonably conclude that the inventor had possession of the claimed invention."

2. Claims 13-34 satisfy the written description requirement

Claims 13-34 are taken as a group.²

The Office Action asserts that "the examiner has not found support" for the claim feature of "multiple numbers are pre-stored and that the numbers are automatically retrieved." Office Action at paragraph 2. Applicants respectfully disagree.

The specification at page 17 states "Fig. 4 illustrates the alternative number table, wherein the rules check the active destination number status, customer-provided alternative numbers, and network-provided alternate numbers." Furthermore, the specification at page 18 states "if a new alternate number is provided by a Customer or Network since a document came into the Network, reroute to the new alternate number

² Applicants have grouped the claims to simplify issues on appeal. Applicants, however, do not admit that the claims in any group stand or fall together for purposes other than this appeal. In particular, applicants reserve the right to argue the patentability of each claim separately in a subsequent action, such as litigation or reopened prosecution.

immediately," and "if any automatic alternate numbers are provided by a Customer or network previously, reroute to the customer-provided numbers in a consecutive order."

Therefore, the above sections of the specification describe at least one instance where the claim features related to "multiple numbers are pre-stored and that the numbers are automatically retrieved." The applicants respectfully request the 35 U.S.C. § 112, first paragraph rejection be withdrawn.

B. Rejections under 35 U.S.C. § 102(b)

1. Legal requirements for anticipation

35 U.S.C. § 102(b) provides:

A person shall be entitled to a patent unless (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

The M.P.E.P. at section 2131, states that "To anticipate a claim, the element must teach every element of the claim." Specifically, "a claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987).

2. The Gordon Reference

Gordon is directed to a facsimile telecommunications system and method, whereby store and forward facilities (SAFFs) are integrated into a switched telephone network. Using SAFFs, any incoming fax messages are first stored in a mass storage buffer, and then transmitted to their destinations. Because the system first stores all incoming messages, messages that do not make it to destination machines may be periodically retried until the message is successfully sent. Gordon at 2:67 – 3:60.

For example, in a more complex system disclosed in Gordon, an origination fax machine may be connected to a SAFF and a destination fax machine may also be

connected to another SAFF. A fax message may be sent from a originator (e.g., a person at the origination fax machine) to the origination SAFF. The origination SAFF may then contact the destination SAFF and transmit the fax message to the destination SAFF. The destination SAFF in turn transmits the message to the destination machine or performs store and retry functions until the destination machine is available to receive messages. Gordon describes how the destination SAFF may perform:

If the destination machine's line is busy, or the contact fails for some other reason, the destination SAFF's Host Computer 85 will enter a sequence whereby it will attempt to contact the destination machine and transmit the document on a predetermined schedule for a specific period of time or number of tries. Gordon at 9: 16-21.

In some specific examples, the system may be unsuccessful even after numerous retry attempts. In these cases, Gordon discloses these solutions:

If the effort fails after reaching [a] predetermined limit, this is also recorded, appended, and sent back to the originator, In this case, the originator is given the option of dialing back into the system within a certain length of time (typically several hours) and instructing the destination SAFF as to how to dispose of the document (e.g. repeat retry sequence, forward to a different telephone number, or delete the message). Gordon at 9: 34-46.

3. Claims 13-15, 19-22 and 24-46: Gordon fails to show each and every element of the claims. Gordon does not anticipate the claimed invention

Claims 13-15, 19-22 and 24-46 are taken as a group.

Both of the independent claims (claims 13 and 44) in this group disclose elements related to intelligent delivery of documents from a source to a destination, such as delivery based on obtaining delivery information for a destination and choosing a delivery path to the destination at least in part on the obtained delivery information.

For example, independent claim 13 is directed to a method for facilitating delivery of a document from a source to a destination over a network, comprising, *inter alia*:

attempting an initial delivery of the document to the destination by using a first destination number associated with the destination;
determining that the initial delivery attempt was unsuccessful; and
automatically performing an additional attempt to deliver the document to the destination by,

- (1) obtaining delivery information related to delivering the document to the destination and not related to the initial delivery attempt;
- (2) selecting one of the alternative destination numbers as a second destination number, the selecting based at least in part on the obtained delivery information; and
- (3) attempting a delivery of the document to the destination by using the second destination number.

Gordon does not disclose these elements. As mentioned above, Gordon describes a system containing one or more SAFF devices, where retry attempts are performed by the SAFF devices in cases where an initial attempt to transmit a fax message is unsuccessful. In cases where retry attempts fail, Gordon discloses giving an originator options on how to proceed, such as trying other numbers related to the destination. Gordon, however, does not disclose or suggest obtaining information delivering a document to a destination (step 1). Moreover, Gordon does not disclose or suggest using the obtained information when selecting an alternative destination number to send a document (step 2).

The current Office Action attempts to equate a "failure" to deliver a document as obtaining delivery information. Office Action at page 4. Applicant disagrees. As mentioned above, delivery information may be information related to delivery of a document to a destination, such as information obtained from a recipient at the destination (see dependent claim 20).

A failed delivery in Gordon is not "delivery information" as claim 13 describes. The method of claim 13 obtains delivery information differently from simply determining that the initial delivery attempt was unsuccessful, as discussed in Gordon. For example, the method of claim 13 obtains information related to the delivery of a document to the destination, such as historical information related to delivery attempts of other documents to the destination. Therefore, the indication of a failed transmittal to an initial destination number cannot be "obtained delivery information."

Furthermore, although Gordon mentions that an originator of a document may choose to "dispose of a document" by "forward[ing] to a different telephone number," (Gordon at 9: 40-46), there is no discussion or suggestion of providing information, failure or otherwise, when the originator chooses a number. In fact, there is no discussion of choosing a number from a group of numbers. Gordon's disclosure of an originator forwarding a document to a different number is merely used to point out an example of what an originator might do should the system of Gordon continually fail in sending a document to a destination.

The method of claim 13 provides a system that both (a) determines that an initial delivery attempt of a document is unsuccessful, and (b) obtains delivery information related to delivering the document to the destination and not related to the initial delivery attempt. At best, Gordon discusses determining an initial delivery attempt of a document is unsuccessful (above as "a"). However, Gordon does not disclose or suggest obtaining delivery information related to delivering the document to the destination (above as "b"), nor the combination of both "a" and "b". That is, Gordon does not discuss obtaining additional information after receiving a failed delivery notification, as is recited in the claim.

Furthermore, in claim 13 delivery information is "related to delivering the document to the destination and not related to the initial delivery attempt" (Emphasis Added). Thus, the claims specifically address that delivery information is different than a failure to transmit a document to a destination.

In sum, the system of Gordon only discloses the possibility of using more than one number upon a failed delivery to a first number. Gordon does not describe providing guidance (delivery information) when choosing an alternative number, as is recited in the claims.

Claim 44 recites features similar to features of claim 13, and is patentable for at least the same reasons described with respect to claim 13. For example:

Claim 44 recites, *inter alia*, "obtaining delivery information related to delivering the document to the destination and not related to the unsuccessful initial attempt."

Thus, claims 13-15, 19-22 and 24-46 are patentable over Gordon.

4. Claims 47, 48 and 77: Gordon fails to show each and every element of the claims. Gordon does not anticipate the claimed invention

Claims 47, 48 and 77 are taken as a group.

Each of the independent claims (claims 47, 48 and 77) in this group disclose elements related to intelligent delivery of documents from a source to a destination, such as obtaining delivery information related to delivering a document to a destination after there is an unsuccessful attempt to deliver the document to the destination.

For example, independent claim 47 is directed to a computer-implemented method for facilitating delivery of a document from a source to a destination, comprising, *inter alia*:

after an unsuccessful initial attempt to deliver the document to the destination
via a first network, identifying one or more distinct alternative networks
via which the document could be delivered to the destination;
obtaining delivery information related to delivering the document to the
destination and not related to the unsuccessful initial attempt

Gordon does not disclose these elements. As mentioned above, Gordon describes a system containing one or more SAFF devices, where retry attempts are performed by the

SAFF devices in cases where an initial attempt to transmit a fax message is unsuccessful. In cases where retry attempts fail, Gordon discloses giving an originator options on how to proceed, such as trying other numbers related to the destination. Gordon, however, does not disclose or suggest obtaining information related to delivering a document to a destination. The only information Gordon obtains is that a delivery attempt fails.

The current Office Action attempts to equate a "failure" to deliver a document as obtaining delivery information. Office Action at page 4. Applicant disagrees. As mentioned above, delivery information may be information related to delivery of a document to a destination, such as information obtained from a recipient at the destination. A failed delivery in Gordon is not "delivery information" as claim 47 describes. For example, after an unsuccessful attempt, the method obtains historical information related to delivery attempts of other documents to the destination. Therefore, the indication of a failed transmittal to an initial destination number cannot be "obtained delivery information."

In sum, the method of claim 47 obtains delivery information after an unsuccessful delivery attempt, among other features. On the other hand, Gordon only determines that a delivery is unsuccessful, and reverts into retry mode upon such a determination (like many SAFFs).

Furthermore, claim 47 recites that delivery information is "related to delivering the document to the destination and not related to the initial delivery attempt" (Emphasis Added). Thus, the claims address that delivery information is different than information merely indicating a failure to transmit a document to a destination.

In sum, the system of Gordon only discloses the possibility of using more than one number upon a failed delivery to a first number. Gordon does not describe providing guidance (delivery information) when choosing an alternative path, as is recited in the claims.

Independent claims 48 and 77 recite features similar to some of the features of claim 47, and are patentable at least for the same reasons described with respect to claim 47. For example:

Claim 48 recites, *inter alia*, "after an unsuccessful initial attempt to deliver the document to the destination using first delivery instructions, identifying one or more distinct groups of alternative delivery instructions with which the document could be delivered to the destination, obtaining delivery information related to delivering the document to the destination and not related to the unsuccessful delivery attempt, [and] selecting one of the groups of alternative delivery instructions based at least in part on the obtained delivery information and in part on a rule-based process of a time-variable set of input conditions"; and

Claim 77 recites, *inter alia*, "automatically initiating a rule-based process to determine a next action, wherein the rule-based process at least retrieves information related to past attempts to deliver other documents to the destination."

Thus, claims 47, 48 and 77 are patentable over Gordon.

5. Claim 49: Gordon fails to show each and every element of the claim.
Gordon does not anticipate the claimed invention

Independent claim 49 recites, *inter alia*, elements related to intelligent delivery of documents from a source to a destination, such as delivery based on obtaining delivery information for a destination and choosing a destination number associated with the destination at least in part on the obtained delivery information.

For example, independent claim 49 is directed to a computer-implement method for facilitating delivery of a document from a source to a destination, comprising, *inter alia*:

identifying multiple distinct alternative destination numbers associated with the destination;

obtaining delivery information related to delivering the document to the destination;

selecting one of the alternative destination numbers based at least in part on the obtained delivery information and in part on a rule-based process of a time-variable set of input conditions.

Gordon does not disclose these elements. As mentioned above, Gordon describes a system containing one or more SAFF devices, where retry attempts are performed by the SAFF devices in cases where an initial attempt to transmit a fax message is unsuccessful. In cases where retry attempts fail, Gordon discloses giving an originator options on how to proceed, such as trying other numbers related to the destination. Gordon, however, does not disclose or suggest obtaining information related to delivering a document to a destination that is used to select a destination number through which to deliver a document.

Furthermore, Gordon does not disclose selecting an alternative destination number based at least in part on obtained delivery information and in part on a rule-based process of a time-variable set of input conditions. As discussed above, Gordon does not disclose selecting one of a group of alternative destination numbers, and therefore cannot suggest selecting numbers based on delivery information or on rule-based, time-variable conditions.

In sum, the system of Gordon only discloses the possibility of using more than one number upon a failed delivery to a first number. Gordon does not disclose choosing an alternative number, and does not disclose providing guidance (delivery information) before and when choosing an alternative number, as is recited in the claim.

Thus, claim 49 is patentable over Gordon.

6. Claims 50-54 and 56-61: Gordon fails to show each and every element of the claims. Gordon does not anticipate the claimed invention

Claims 50-54 and 56-61 are taken as a group.

Independent claim 50 recites, *inter alia*, elements related to delivery of documents from a source to a destination after an initial delivery attempt has been unsuccessful, such as determining conditions at a destination and initiating rule-based processing to determine a next action based on the determined conditions.

For example, independent claim 50 is directed to a computer-implemented method for facilitating delivery of a document from a source to a destination over a network after an initial delivery attempt has been unsuccessful, comprising, *inter alia*:

- determining a group of one or more current conditions at the remote destination; and

- initiating rule-based processing to determine a next action related to the delivery of the document based on the determined group of current conditions at the remote destination, the determined next action being one of multiple distinct possible next actions such that the other next actions are for use based on other groups of current conditions at the remote destination.

Gordon does not disclose these elements. As mentioned above, Gordon describes a system containing one or more SAFF devices, where retry attempts are performed by the SAFF devices in cases where an initial attempt to transmit a fax message is unsuccessful. In cases where retry attempts fail, Gordon discloses giving an originator options on how to proceed, such as trying other numbers related to the destination. Gordon, however, does not disclose or suggest obtaining information related to current conditions at the destination after a failed delivery attempt. Instead, Gordon discloses that after many unsuccessful retry attempts to a number, "the originator is given the option of dialing back into the system after a certain length of time (typically several hours) and instructing the destination SAFF as to how to dispose of the document (e.g. repeat retry sequence, forward to a different delivery number, or delete the message)." Gordon at 9: 40-46. There is no mention in Gordon of obtaining information related to the destination.

Claim 50, on the other hand, recites determining one or more current conditions at a destination (e.g., such as a current day being a non-business day, as recited by claim 55), and choosing a next action based on these conditions. Gordon, however, does not discuss obtaining additional information, such as destination condition information, after an unsuccessful delivery attempt, as is recited in the claim.

Futhermore, Gordon does not disclose initiating rule-based processing to determine a next action, and, therefore, clearly does not do so based on determining current conditions at a destination. As discussed above, Gordon does not use any knowledge from a destination in determining a path to send a document, save an input received from an originator.

In sum, the system of Gordon only discloses the possibility of using more than one number upon a failed delivery to a first number, and only looks to an originator of a delivery for the additional number. Therefore, Gordon does not disclose providing guidance (delivery information) when choosing a next action after a failed delivery attempt, as is recited in the claim.

Thus, claims 50-54 and 56-61 are patentable over Gordon.

C. Rejections under 35 U.S.C. § 102(e)

1. Legal requirements for anticipation

35 U.S.C. § 102(e) provides:

A person shall be entitled to a patent unless (e) the invention was described in - (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for the purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. The Randalli Reference

The Randalli³ reference cited by the Examiner represents the publication of a patent application (Application No. 09/226,899) sharing the same parent application with the above referenced application, and is therefore not prior art under 35 U.S.C 102.

3. Claims 69-79: Randalli is not prior art and therefore does not anticipate the claims

As discussed above, Randalli is not prior art under 35 U.S.C. 102(e), as it is a publication of a patent application (Application No. 09/226,899) sharing the same parent application. The above referenced application is a straight continuation of parent application No. 08/739,625, filed on October 29, 1996. The Randalli reference is a continuation-in-part of the same parent application (No. 08/739,625). In sum, they both have the same effective filing date.

Moreover, both the above referenced application and the Randalli reference contain the same inventive entities. As 35 U.S.C. 102(e) describes, a reference may be prior art if the reference was from "another." Because the Randalli reference, typographical error aside, contains the same inventive entity as the above referenced application, it cannot be deemed prior art under 35 U.S.C. §102(e).

Therefore, applicants submit that the claims 69-79 are allowable over the cited references.

D. Rejections under 35 U.S.C. § 103(a)

1. Legal requirements for obviousness

35 U.S.C. § 103(a) provides:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior

³ Please note comments with respect to the correct spelling of Randalli in footnote #1.

art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

As stated in section 2142 of the M.P.E.P., "to establish a *prima facie* case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations. The teaching or suggestion to make the claimed combination and the reasonable expectation of success must both be found in the prior art, and not based on applicant's disclosure." *In re Vaeck*, 947 F.2d 488, 20 USPQ2d 1438 (Fed. Cir. 1991). Emphasis added.

Appellant's respectfully request that the Examiner's rejection under 35 U.S.C. § 103 be reversed based on failure to establish a case of obviousness based on the above standards.

2. The Gordon Reference

As described above, Gordon is directed to a facsimile telecommunications system and method, whereby store and forward facilities (SAFFs) are integrated into a switched telephone network. Using SAFFs, any incoming fax messages are first stored in a mass storage buffer, and then transmitted to their destinations. Because the system first stores all incoming messages, messages that do not make it to destination machines may be periodically retried until the message is successfully sent. Gordon at 2:67 – 3:60.

3. The Greenstein Reference

Greenstein is directed to a facsimile/telephone controller that prioritizes incoming messages, including a controller that has time delay capabilities. For example, a facsimile machine may be "programmed to send a facsimile message or messages at a time when the phone rates are cheaper." Greenstein at 3: 16-23.

4. Claim 55: The combination of Gordon and Greenstein does not disclose each and every element of the claim

Claim 55 is dependent from independent claim 50. As discussed above, the Gordon reference does not describe each and every element of claim 50. Greenstein does not supply the deficiencies of Gordon, as it does not discuss or suggest obtaining delivery information. Therefore, the combination of references does not disclose or suggest each and every element of claim 55 as the combination does not disclose or suggest each and every element of claim 50, the claim from which claim 55 depends. For at least this reason, claim 55 is patentable over Gordon and Greenstein.

The applicant submits herewith any extension of time fees and believes no additional fees are due with this response. However, if a fee is due, please charge our Deposit Account No. 50-0665, under Order No. 324628004US from which the undersigned is authorized to draw.

Dated: December 28, 2006

Respectfully submitted,

By 
Michael J. Smith
Registration No.: 56,702
PERKINS COIE LLP
P.O. Box 1247
Seattle, Washington 98111-1247
(206) 359-3599
(206) 359-4599 (Fax)
Attorneys for Applicant

APPENDIX A

Claims Involved in the Appeal of Application Serial No. 10/662,858

1-12. (Canceled)

13. (Previously Presented) A computer-implemented method for facilitating delivery of a document from a source to a destination over a network, comprising:

attempting an initial delivery of the document to the destination by using a first destination number associated with the destination;

determining that the initial delivery attempt was unsuccessful;

automatically retrieving multiple alternative destination numbers associated with the destination and already stored in a memory, each of the alternative destination numbers distinct from the first destination number; and

automatically performing an additional attempt to deliver the document to the destination by,

obtaining delivery information related to delivering the document to the destination and not related to the initial delivery attempt;

selecting one of the alternative destination numbers as a second destination number, the selecting based at least in part on the obtained delivery information; and

attempting a delivery of the document to the destination by using the second destination number.

14. (Previously Presented) The method of claim 13 wherein the attempted document delivery to the destination using the second destination number is successful such that the destination receives the document.

15. (Previously Presented) The method of claim 13 including repeatedly performing additional attempts to deliver the document to the destination such that multiple of the alternative destination numbers are used in those additional attempts.

16. (Previously Presented) The method of claim 13 wherein the obtained delivery information indicates an ordering among the multiple alternative destination numbers such that at least one of the alternative destination numbers is preferred over other of the alternative destination numbers, and wherein the second destination number is selected based on being one of the preferred alternative destination numbers.

17. (Previously Presented) The method of claim 16 wherein the ordering among the multiple alternative destination numbers is time-variable, and wherein the selecting of the second destination number is further based on a time related to the additional attempt to deliver the document to the destination.

18. (Previously Presented) The method of claim 16 wherein the ordering among the multiple alternative destination numbers varies based on a type of the document, and wherein the selecting of the second destination number is further based on the type of the document.

19. (Previously Presented) The method of claim 13 wherein the delivery information used for the selecting of the second destination number is obtained from the destination.

20. (Previously Presented) The method of claim 19 wherein the obtaining of the delivery information from the destination is performed in response to the determining that the initial delivery attempt was unsuccessful and includes requesting an intended recipient of the document at the destination to provide that delivery information.

21. (Previously Presented) The method of claim 13 wherein the multiple alternative destination numbers associated with the destination are retrieved from the destination.

22. (Previously Presented) The method of claim 21 wherein the retrieving of the multiple alternative destination numbers from the destination includes requesting an intended recipient of the document at the destination to provide those alternative destination numbers.

23. (Previously Presented) The method of claim 13 wherein the first destination number is associated with a first delivery network, wherein the obtained delivery information indicates an alternative delivery network with which at least one of the multiple alternative destination numbers is associated, and wherein the second destination number is selected based on being associated with the alternative delivery network.

24. (Previously Presented) The method of claim 13 wherein the attempting of the initial delivery of the document used first delivery instructions, wherein the obtained delivery information indicates distinct alternative delivery instructions, and wherein the attempting of the delivery of the document by using the second destination number further uses the alternative delivery instructions.

25. (Previously Presented) The method of claim 13 wherein the attempting of the initial delivery of the document used a first group of delivery information, and wherein the obtained delivery information is distinct additional delivery information.

26. (Previously Presented) The method of claim 13 wherein the first destination number corresponds to a first device at the destination, and wherein the second destination number corresponds to a distinct device at the destination.

27. (Previously Presented) The method of claim 13 wherein the first destination number corresponds to a first device, and wherein each of the multiple alternative destination numbers correspond to alternative devices.

28. (Previously Presented) The method of claim 13 including, before the attempting of the initial delivery of the document using the first destination number, automatically selecting the first destination number for use based on obtained delivery information related to delivering the document to the destination.

29. (Previously Presented) The method of claim 13 wherein the performing of the additional attempt to deliver the document to the destination is performed in such a manner as to reduce costs associated with delivery of the document.

30. (Previously Presented) The method of claim 29 wherein the obtained delivery information includes information related to costs associated with delivering the document using one or more of the alternative destination numbers, and wherein the selecting of the second destination number and/or the attempting of the delivery by using the selected destination number are performed in such a manner as to minimize the costs associated with the delivery of the document.

31. (Previously Presented) The method of claim 13 wherein the obtained delivery information includes delivery instructions specific to the document.

32. (Previously Presented) The method of claim 13 wherein the obtained delivery information includes delivery instructions specific to the destination.

33. (Previously Presented) The method of claim 13 wherein the first and second destination numbers are telephone numbers, and wherein the initial and additional attempts to deliver the document include dialing those telephone numbers.

34. (Previously Presented) The method of claim 13 wherein the additional attempt to deliver the document was unsuccessful, and including selecting a next action related to the delivery of the document based at least in part on a combination of the unsuccessful initial and additional delivery attempts.

35. (Previously Presented) The method of claim 13 wherein one or more actions other than the unsuccessful initial delivery attempt were attempted before the additional delivery attempt of the document, and wherein the selecting of the second destination number is further based at least in part on the unsuccessful initial delivery attempt and on the other actions.

36. (Previously Presented) The method of claim 13 wherein the selecting of the second destination number is performed under control of a rule-based process.

37. (Previously Presented) The method of claim 13 wherein the document is an email message.

38. (Previously Presented) The method of claim 13 wherein the document is a voice mail message.

39. (Previously Presented) The method of claim 13 wherein the document is a textual message.

40. (Previously Presented) The method of claim 13 wherein the document is a fax document.

41. (Previously Presented) The method of claim 13 including, after the determining that the initial delivery attempt was unsuccessful, notifying a human of the initial delivery attempt.

42. (Previously Presented) The method of claim 41 wherein the notified human is a delivery analyst operator, and wherein the obtained delivery information is received from the delivery analyst operator in response to the notifying.

43. (Previously Presented) The method of claim 41 wherein the notified human is associated with the destination.

44. (Previously Presented) A computer-readable medium whose contents cause a computing device to facilitate delivery of a document from a source to a destination over a network, by performing a method comprising:

after an unsuccessful initial attempt to deliver the document to the destination by using a first destination number associated with the destination, identifying one or more distinct alternative destination numbers associated with the destination;

obtaining delivery information related to delivering the document to the destination and not related to the unsuccessful initial attempt;

selecting one of the alternative destination numbers based at least in part on the obtained delivery information and in part on a rule-based process of a time-variable set of input conditions; and

delivering the document to the destination by using the selected destination number.

45. (Previously Presented) The computer-readable medium of claim 44 wherein the method includes notifying a human of the unsuccessful initial attempt to deliver the document.

46. (Previously Presented) The computer-readable medium of claim 44 wherein the method includes notifying a human of the delivering of the document to the destination.

47. (Previously Presented) A computer-implemented method for facilitating delivery of a document from a source to a destination, comprising:

after an unsuccessful initial attempt to deliver the document to the destination via a first network, identifying one or more distinct alternative networks via which the document could be delivered to the destination;

obtaining delivery information related to delivering the document to the destination and not related to the unsuccessful initial attempt;

selecting one of the alternative networks based at least in part on the obtained delivery information and in part on a rule-based process of a time-variable set of input conditions; and

attempting a delivery of the document to the destination by using the selected alternative network.

48. (Previously Presented) A computer-implemented method for facilitating delivery of a document from a source to a destination, comprising:

after an unsuccessful initial attempt to deliver the document to the destination using first delivery instructions, identifying one or more distinct groups of alternative delivery instructions with which the document could be delivered to the destination;

obtaining delivery information related to delivering the document to the destination and not related to the unsuccessful delivery attempt;

selecting one of the groups of alternative delivery instructions based at least in part on the obtained delivery information and in part on a rule-based process of a time-variable set of input conditions; and

attempting a delivery of the document to the destination by using the selected alternative delivery instructions.

49. (Previously Presented) A computer-implemented method for facilitating delivery of a document from a source to a destination, comprising:

identifying multiple distinct alternative destination numbers associated with the destination;

obtaining delivery information related to delivering the document to the destination;

selecting one of the alternative destination numbers based at least in part on the obtained delivery information and in part on a rule-based process of a time-variable set of input conditions; and

delivering the document to the destination by using the selected destination number.

50. (Previously Presented) A computer-implemented method for facilitating delivery of a document from a source to a remote destination over a network after an initial delivery attempt has been unsuccessful, comprising:

determining a group of one or more current conditions at the remote destination; and

initiating rule-based processing to determine a next action related to the delivery of the document based on the determined group of current conditions at the remote destination, the determined next action being one of multiple distinct possible next actions such that the other next actions are for use based on other groups of current conditions at the remote destination.

51. (Previously Presented) The method of claim 50 wherein the group of current conditions at the remote destination includes multiple current conditions, and including, after the determining of the group of current conditions at the remote destination:

receiving an indication of an unsuccessful initial delivery attempt of a second document to the remote destination from the source;

determining a second group of multiple current conditions at the remote destination, the second group of current conditions distinct from the group of current conditions; and

determining a second action related to the delivery of the second document based on the determined second group of current conditions, the determined second action distinct from the determined next action.

52. (Previously Presented) The method of claim 50 including performing multiple unsuccessful attempts to deliver the document from the source to the remote destination, and wherein the method is performed in response to the unsuccessful delivery attempts.

53. (Previously Presented) The method of claim 50 wherein the determined group of current conditions at the remote destination includes multiple current conditions of multiple distinct types.

54. (Previously Presented) The method of claim 50 including determining one or more prior conditions related to the remote destination, and wherein the determining of the next action by the rule-based processing is further based on the determined prior conditions.

55. (Previously Presented) The method of claim 50 wherein the current conditions include whether a current day at the remote destination is a non-business day and/or whether a current time at the remote destination is a non-business time.

56. (Previously Presented) The method of claim 50 wherein the current conditions include alternative delivery instructions at the destination.

57. (Previously Presented) The method of claim 50 wherein the document is a fax document.

58. (Previously Presented) The method of claim 50 wherein the document is an email message.

59. (Previously Presented) The method of claim 50 wherein the document is a voice mail message.

60. (Previously Presented) The method of claim 50 wherein the document is a text message.

61. (Previously Presented) The method of claim 50 including performing the determined next action to further facilitate the delivery of the document.

62-68. (Canceled)

69. (Previously Presented) A method for facilitating network delivery of a document from a source to a destination when an initial delivery attempt has been unsuccessful, comprising:

initiating a rule-based process to determine a next action, wherein the rule-based process at least identifies an occurrence of a non-business day at the destination; and

determining a next of multiple possible actions related to the delivery of the document based at least in part on the identification of the occurrence of the non-business day.

70. (Previously Presented) The method of claim 69 wherein the non-business day is identified as occurring currently.

71. (Previously Presented) The method of claim 69 wherein the non-business day is identified as occurring during the initial delivery attempt.

72. (Previously Presented) The method of claim 69 wherein the non-business day is a weekend day.

73. (Previously Presented) The method of claim 69 wherein the non-business day is a holiday.

74. (Previously Presented) The method of claim 69 wherein the identifying of the occurrence of the non-business day includes determining non-business days specific to a geographic area that includes the destination.

75. (Previously Presented) The method of claim 69 wherein the identifying of the occurrence of the non-business day includes determining non-business days specific to the destination.

76. (Previously Presented) A method for facilitating network delivery of a document from a source to a destination when an initial delivery attempt has been unsuccessful, comprising:

automatically initiating a rule-based process to determine a next action, wherein the rule-based process at least identifies an occurrence of a non-business hour at the destination; and

automatically determining a next of multiple possible actions related to the delivery of the document based at least in part on the identification of the occurrence of the non-business hour.

77. (Previously Presented) A method for facilitating network delivery of a document from a source to a destination when an initial delivery attempt has been unsuccessful, comprising:

automatically initiating a rule-based process to determine a next action, wherein the rule-based process at least retrieves information related to past attempts to deliver other documents to the destination; and

automatically determining a next of multiple possible actions related to the delivery of the document based at least in part on the retrieved information.

78. (Cancelled)

Appendix B

No evidence pursuant to §§ 1.130, 1.131, or 1.132 or entered by or relied upon by the examiner is being submitted.

Appendix C

No related proceedings are referenced in II. above, or copies of decisions in related proceedings are not provided, hence no Appendix is included.